

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 12-374
Table of Allotments,	)	RM-11687
FM Broadcast Stations.	)	
(Peach Springs, Arizona)	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted:** March 1, 2013

**Released:** March 1, 2013

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making* (“*Notice*”)<sup>1</sup> issued in response to a Petition for Rule Making (“*Petition*”) filed by the Hualapai Tribe (“*Petitioner*”). The *Petition* requests that the Commission amend the FM Table of Allotments, Section 73.202(b) of the Commission’s rules, by allotting FM Channel 265A to Peach Springs, Arizona, as a first local Tribal Allotment and a second local service.<sup>2</sup> For the reasons discussed below, we grant the *Petition* and add FM Channel 265A to the Table of Allotments as a Tribal Allotment.

2. **Background.** In *Rural Radio*,<sup>3</sup> the Commission concluded that the public interest would be served by establishing a Section 307(b) priority in favor of Tribes and Tribal Entities proposing the allotment of FM channels to serve Tribal Lands.<sup>4</sup> *Petitioner*, a federally-recognized Tribe, certifies that its proposal meets the requirements established in *Rural Radio* for a Tribal Priority. Specifically, *Petitioner* provides evidence that: at least 50 percent of the proposed principal community contour would cover Hualapai Tribal Lands; Peach Springs, the proposed community of license, is located on Hualapai Tribal Land; and the proposed facility would be the first local Tribally-owned commercial transmission service at the proposed community of license. *Petitioner* filed comments supporting the allotment change proposed in the *Notice*. No other comments were received.

3. **Discussion.** We find that *Petitioner*’s proposal satisfies the requirements for a Tribal Allotment and that the public interest will be served by allotting FM Channel 265A at Peach Springs, Arizona, as a Tribal Allotment. This Tribal Allotment will serve the public interest by providing vital radio service to Peach Springs and surrounding Tribal Lands, and by enabling the *Petitioner* to set its own communications priorities and goals with respect to this new radio service. Moreover, the allotment

<sup>1</sup> *Peach Springs, Arizona*, Notice of Proposed Rule Making, 27 FCC Rcd 15954 (MB 2012).

<sup>2</sup> *Petitioner* also filed an associated FCC Form 301 application. See FCC File No. BNP-20121010AAO.

<sup>3</sup> See *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Notice of Proposed Rule Making, 24 FCC Rcd 5239 (2009) (“*NPRM*”); First Report and Order, 25 FCC Rcd 1583 (2010) (“*First R&O*”); Second Report and Order, 26 FCC Rcd 2556 (2011) (“*Second R&O*”); and Third Report and Order, 26 FCC Rcd 17642 (2011) (“*Third R&O*”) (collectively, “*Rural Radio*”).

<sup>4</sup> *Rural Radio*, First R&O, 25 FCC Rcd at 1596-97. See also *NPRM*, 24 FCC Rcd at 5248, n.29 (defining “*Indian Tribe[s]*” and “*Federally-Recognized Indian Tribes*”), and n.30 (defining “*Tribal Lands*”).

will further the public interest by providing a second local service at Peach Springs. This allotment complies with the technical requirements of the Commission's rules.<sup>5</sup>

4. **Conclusion.** Accordingly, IT IS ORDERED that effective April 15, 2013, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

<u>Community</u>	<u>Channel Number</u>
Peach Springs, Arizona	265A, <sup>6</sup> 281C3

5. The Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act.<sup>7</sup> The Commission will release in the near future a public notice announcing a Threshold Qualifications Window. Any qualifying applicant may file an FCC Form 301 for this channel during this window.<sup>8</sup>

6. IT IS FURTHER ORDERED, that this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez  
Assistant Chief  
Audio Division  
Media Bureau

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<sup>5</sup> The reference coordinates proposed for Channel 265A at Peach Springs, Arizona, are: 35-33-17 NL and 113-23-41 WL.

<sup>6</sup> This channel is reserved as a Tribal Allotment.

<sup>7</sup> See 5 U.S.C. § 801 (a)(1)(A).

<sup>8</sup> See Third R&O, 26 FCC Rcd at 17645-46. See also Second R&O, 26 FCC Rcd at 2588-90. Should no applicant meeting threshold qualifications file FCC Form 301 during the Threshold Qualifications Window (and should the proponent request that its already-filed Form 301 application not be immediately processed), the Tribal Allotment will be included in the inventory for a broadcast auction at a later date. In that event, only threshold qualified applicants, including the original proponent, would be permitted to participate in the auction. Third R&O, 26 FCC Rcd at 17649.